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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,024	08/02/2001	Charles R. Weirauch	10971523-4	8145

7590

05/31/2002

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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DINH, TAN X

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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3

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

Art Unit: 2653

- 1) This application is a Divisional Application of S/N 09/301,880, filed 4/29/1999, and now is US 6,330,210.
- 2) The I.D.S filed 2/08/2002 and 3/14/2002 have been considered by Examiner. However, the Japanese/foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the Abstract ( English language ) and the drawings.

Form **PTO-1449** is(are) attached herein.

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- 4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5) (e) the invention was described in-
  - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2) (a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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6) Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by INAGAKI et al (5,568,467).

INAGAKI et al discloses a data storage medium as claimed in claim 1, comprising:

- a data area ( Fig.1, Band 0 to Band n );
- a header ( Fig.1, Control Header ).

7) Claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by BAREIS (5,617,407).

BAREIS discloses a data storage medium as claimed in claim 1, comprising:

- a data area ( Figs.4a-4d, Data 2324 );
- a header ( Figs.4a-4d, Header 4 ).

8) Claim 1 is further rejected under 35 U.S.C. 102(e) as being anticipated by KOBAYASHI et al (5,805,564).

KOBAYASHI et al discloses a data storage medium as claimed in claim 1, comprising:

- a data area ( Figs.1-3, recording area 2626 );
- a header ( Figs.1-3, header 81 ).

9) Claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by FUKUSHIMA et al (5,237,553).

FUKUSHIMA et al discloses a data storage medium as claimed in claim 1, comprising:

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a data area ( Fig.3, Zone Entry ()1 and (2) );

a header ( Fig.3, VCB Header ).

10) Claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by SENSHU et al (5,170,385).

SENSHU et al discloses a data storage medium as claimed in claim 1, comprising:

a data area ( Figs.5,8,9,11 and 12, Data );

a header ( Figs.5,8,9,11 and 12, Header H1 and H2 ).

11) Claim 1 is further rejected under 35 U.S.C. 102(e) as being anticipated by ANDO et al (6,385,744).

ANDO et al discloses a data storage medium as claimed in claim 1, comprising:

a data area ( Fig.8, recording area 8 );

a header ( Fig.8, Header 128 ).

12) Claim 1 is further rejected under 35 U.S.C. 102(e) as being anticipated by MAEDA et al (6,201,784).

MAEDA et al discloses a data storage medium as claimed in claim 1, comprising:

a data area ( Fig.4, Data 102b );

a header ( Fig.4, Header 102a ).

13) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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TABE et al (5,446,724) discloses an optical disk having data structure as a header and a data area.

14) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The Examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The *fax phone number* for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the RECEPTIONIST whose telephone number is (703) 305-4700, or the CUSTOMER SERVICE whose telephone number is (703) 306-0377.

  
TAN DINH  
PRIMARY EXAMINER

May 28, 2002